

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

(Filed: May 3, 2007)

DO NOT PUBLISH

WILLIAM LUCIO and CARLEEN LUCIO,)	
as parents of their son,)	
MICHAEL PATRICK LUCIO,)	
)	
Petitioners,)	
)	
v.)	No. 04-1436V
)	Attorney's Fees; Attorney's Costs
SECRETARY OF)	
HEALTH AND HUMAN SERVICES,)	
)	
Respondent.)	
)	

DECISION ON ATTORNEY'S FEES AND ATTORNEY'S COSTS¹

Petitioners, William Lucio and Carleen Lucio (Mr. Lucio and Ms. Lucio or the Lucios), as parents of their son, Michael Patrick Lucio (Michael), seek an award of attorney's fees and attorney's costs for an action that they pursued successfully under the National Vaccine Injury Compensation Program (Program).² Because the Lucios received Program compensation, the Act mandates the award of "reasonable attorneys' fees" and "other costs." § 300aa-15(e)(1). The parties stipulate as a matter of fact now that the sum of \$44,126.66 represents a reasonable award for attorney's fees and attorney's costs in this case. *See* Stipulation of Fact for Attorney's Fees and Costs (Stipulation of Fact), filed May 1, 2007. In addition, the parties stipulate as a matter of fact now that the Lucios did not incur any personal expenses as defined by General Order No. 9. *See* Stipulation of Fact. The

¹ As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, "the entire decision" will be available to the public. *Id.*

² The statutory provisions governing the Vaccine Program are found in 42 U.S.C. §§ 300aa-10 *et seq.* For convenience, further reference will be to the relevant section of 42 U.S.C.

special master has considered carefully the parties' Stipulation of Fact. Based upon his experience, the special master determines that the Stipulation of Fact is appropriate. Therefore, in the absence of a motion for review filed under RCFC Appendix B, the clerk of court shall enter judgment in the Lucios' favor for \$44,126.66 in attorney's fees and attorney's costs. The judgment shall provide that the Lucios' attorney of record, Robert J. Napleton, Esq. (Mr. Napleton), may collect \$44,126.66 from the Lucios. Under Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing the right to seek review.

The clerk of court shall send the Lucios' copy of this decision to the Lucios by overnight express delivery.

John F. Edwards
Special Master